

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00434

Donald Ray Johnson,
Plaintiff,

v.

Juan Garcia et al.,
Defendants.

ORDER

Plaintiff Donald Ray Johnson, an inmate of the Texas Department of Criminal Justice proceeding pro se, filed this lawsuit complaining of alleged deprivations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love.

After review of the pleadings, the magistrate judge issued an initial report recommending dismissal for failure to state a claim against two of the defendants, Warden Garcia and Warden Delapp. Plaintiff has notified the court by letter (Doc. 23) that he does not intend to object to this initial report.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's initial report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff failed to state a claim upon which relief may be granted against wardens Garcia and Delapp. Those two defendants are therefore dismissed as parties to the lawsuit. The dismissal of Garcia and Delapp and the claims against them shall have no effect on the remaining claims and defendants in the lawsuit.

So ordered by the court on May 19, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge